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Item 141 of the provisional agenda*
Administration of justice at the United Nations

Amendments to the rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal

Report of the Secretary-General

1. By its resolution 63/253, the General Assembly adopted the statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal. In paragraph 29 of the resolution, the Assembly, noting article 7, paragraph 1, of the statute of the United Nations Dispute Tribunal and article 6, paragraph 1, of the statute of the United Nations Appeals Tribunal, requested the Secretary-General to submit, for its approval, the rules of procedure of the Tribunals as soon as possible but no later than at its sixty-fourth session. The Assembly also decided that, until such time as it adopted the rules of procedure, the Tribunals could apply them on a provisional basis.

2. On 26 June 2009, the Judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal established their respective rules of procedure. The General Assembly approved the rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal by its resolution 64/119, adopted on 16 December 2009.

3. The United Nations Dispute Tribunal and the United Nations Appeals Tribunal have amended their respective rules of procedure, details of which are set out below, which apply provisionally until approved by the General Assembly in accordance with article 37, paragraph 2, and article 32, paragraph 2, of the respective rules of procedure of the Tribunals.

4. On 27 April 2012, at its sixth plenary meeting, in accordance with article 37, paragraph 1, of its rules of procedure, the United Nations Dispute Tribunal adopted an amendment to the heading and paragraph 1 of article 2 (Plenary meeting) of its rules of procedure (see annex I).

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5. The amendment, if approved by the General Assembly, will increase the number of plenary meetings that the United Nations Dispute Tribunal normally holds, from one meeting to two per year. It will also have cost implications for the 2014-2015 biennium.

6. On 10 October 2011, in accordance with article 32, paragraph 1, of its rules of procedure, the United Nations Appeals Tribunal adopted an amendment to article 5 (Ordinary and extraordinary sessions), paragraph 1, of its rules of procedure (see annex II).

7. The amendment, if approved by the General Assembly, will increase the number of ordinary sessions for hearing cases that the United Nations Appeals Tribunal normally holds, from two sessions to three per year. It will also have cost implications for the 2014-2015 biennium.

8. On 5 March 2012, in accordance with article 32, paragraph 1, of its rules of procedure, the United Nations Appeals Tribunal adopted further amendments to article 9 (Answers, cross-appeals and answers to cross-appeals), paragraphs 3 and 4, of its rules of procedure (see annex II).

9. The amendment, if approved by the General Assembly, will extend the time to submit an answer to an appeal from 45 days to 60 days from the date on which the respondent received the appeal transmitted by the Registrar. It will also extend the time for the party answering the appeal to file a cross-appeal from 45 days to 60 days from the date of notification of the appeal. Such an amendment has no resource implications.

10. The amendment arose from the decision of the General Assembly to amend article 7, paragraph 1 (c), of the statute of the United Nations Appeals Tribunal, which extended the deadline for filing appeals of Dispute Tribunal judgements from 45 days to 60 days (see resolution 66/237, para. 31).

Actions to be taken by the General Assembly

11. The following actions are requested:

(a) Approval by the General Assembly is sought for the proposed amendments to the respective rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, as set out in annexes I and II to the present report;

(b) Should the Assembly approve the proposed amendments, additional resource requirements amounting to $264,300 would be required under section 1, Overall policymaking, direction and coordination ($259,800), and under section 8, Legal affairs ($4,500), under the proposed programme budget for the biennium 2014-2015.

Annex I

Rules of procedure of the United Nations Dispute Tribunal: amendment to the heading and paragraph 1 of article 2 (Plenary meeting), adopted by the Tribunal in plenary meeting on 27 April 2012, in accordance with article 37, paragraph 1

1. The heading and paragraph 1 of article 2 (Plenary meeting), as approved by the General Assembly, read as follows:

> **Article 2**
> **Plenary meeting**
>
> 1. The Dispute Tribunal shall normally hold a plenary meeting once a year to deal with questions affecting the administration or operation of the Dispute Tribunal.

2. The United Nations Dispute Tribunal, by its decision of 27 April 2012, decided to adopt an amendment to article 2 by changing the heading "Plenary meeting" to "Plenary meetings" and by replacing the words in paragraph 1, "hold a plenary meeting once a year", with "hold two plenary meetings a year".

3. Consequently, the amended version of the heading and paragraph 1 of article 2, for which the approval of the General Assembly is sought, reads as follows:

> **Article 2**
> **Plenary meetings**
>
> 1. The Dispute Tribunal shall normally hold two plenary meetings a year to deal with questions affecting the administration or operation of the Dispute Tribunal.

Annex II

Rules of procedure of the United Nations Appeals Tribunal: amendments to article 5 (Ordinary and extraordinary sessions) and to article 9 (Answers, cross-appeals and answers to cross-appeals), adopted by the Tribunal in plenary meeting on 10 October 2011 and 5 March 2012, in accordance with article 32, paragraph 1

Article 5 (Ordinary and extraordinary sessions)

1. Article 5 (Ordinary and extraordinary sessions), paragraph 1, of the rules of procedure of the United Nations Appeals Tribunal, as approved by the General Assembly, reads as follows:

> 1. The Appeals Tribunal shall exercise its functions in New York and shall hold ordinary sessions for the purpose of hearing cases. The Appeals Tribunal shall normally hold two ordinary sessions per calendar year and may decide to hold sessions in Geneva or Nairobi, as required by its caseload.

2. The United Nations Appeals Tribunal, by its decision of 10 October 2011, decided to adopt an amendment to article 5, paragraph 1, by replacing the word "two" in the second sentence with the word "three".

3. Consequently, the amended version of article 5, paragraph 1, for which approval of the General Assembly is sought, reads as follows:

> 1. The Appeals Tribunal shall exercise its functions in New York and shall hold ordinary sessions for the purpose of hearing cases. The Appeals Tribunal shall normally hold three ordinary sessions per calendar year and may decide to hold sessions in Geneva or Nairobi, as required by its caseload.

Article 9 (Answers, cross-appeals and answers to cross-appeals)

4. Article 9 (Answers, cross-appeals and answers to cross-appeals), paragraphs 3 and 4, of the rules of procedure of the United Nations Appeals Tribunal, as approved and subsequently amended by the General Assembly, reads as follows:

> 3. The signed original answer form and the annexes thereto shall be submitted together to the Registrar within 45 days of the date on which the respondent received the appeal transmitted by the Registrar. The documents may be transmitted electronically.
>
> 4. Within 45 days of notification of the appeal, a party answering the appeal may file a cross-appeal, accompanied by a brief which shall not exceed 15 pages, with the Appeals Tribunal stating the relief sought and the grounds of the cross-appeal. The cross-appeal may not add new claims.

5. The United Nations Appeals Tribunal, by its decision of 5 March 2012, decided to further amend article 9, paragraphs 3 and 4, by replacing the number "45" with the number "60".

6. Consequently, the amended version of paragraphs 3 and 4 of article 9, for which the approval of the General Assembly is sought, reads as follows:

3. The signed original answer form and the annexes thereto shall be submitted together to the Registrar within 60 days of the date on which the respondent received the appeal transmitted by the Registrar. The documents may be transmitted electronically.

4. Within 60 days of notification of the appeal, a party answering the appeal may file a cross-appeal, accompanied by a brief which shall not exceed 15 pages, with the Appeals Tribunal stating the relief sought and the grounds of the cross-appeal. The cross-appeal may not add new claims.